

## **REMARKS**

Claims 1, 2, 7-10, 12, 13 and 18-27 are all the claims pending in the application.

Applicants note that minor editorial amendments have been made to the specification for grammatical and general readability purposes. No new matter has been added.

### **I. Claim Rejections under 35 U.S.C. § 102**

Claims 1, 2, 7-10, 12, 13 and 18-27 have been rejected under 35 U.S.C. § 102(e) as being anticipated by DeCarmo (US 6,567,979).

Claim 1, as amended, is drawn to a recording and reproducing apparatus for recording a first packet stream containing first AV transport packets and first data table packets, the recording and reproducing apparatus comprising a demultiplexer for demultiplexing the first packet stream into the first AV transport packets and the first data table packets; a memory for storing the first data table packets; an AV decoder for decoding the first AV transport packets and outputting AV data; an AV encoder for encoding the AV data and outputting second AV transport packets; a data table packet generator for constructing second data table packets, based on the first data table packets stored in said memory, for managing the second AV transport packets; and a multiplexer for multiplexing the second AV transport packets and the second data table packets, and outputting the multiplexed second AV transport packets and second data table packets in a second packet stream.

Applicants respectfully submit that DeCarmo does not disclose or suggest the above-noted combination of features recited in amended claim 1.

With respect to DeCarmo, Applicants note that this reference discloses a digital playback apparatus that is able to retrieve DVD content across a network, wherein the playback apparatus includes a DVD content decoder and a parental management controller (see col. 3, lines 10-17). As disclosed in DeCarmo, the parental management controller reviews each parental management control level applied to the content along a network path and as defined by the user of the playback apparatus before allowing the DVD content decoder to decode the DVD content (see col. 3, lines 19-24).

In this regard, as explained in DeCarmo, the parental management controller is capable of adjusting the default parental management control level to local cultures and moral values based on a location selection made by the user at the time of installation or at any other time desired by the user (see col. 3, lines 32-36). For example, as disclosed in DeCarmo, a corporation may decide that all content, up to R-rated content, may be viewed on the corporate network, but R-rated content may not be legal in certain countries where a particular corporate sector operates (see col. 6, line 65 through col. 7, line 1). In this situation, the particular corporate sector decides the parental control for all DVD content viewed in that sector (see col. 7, lines 1-3).

With respect to the above-noted parental control in DeCarmo, Applicants note that DeCarmo discloses that a broadcast transmission packet 400 includes a pack header 402, a packet header 404, a sub stream\_ID 406, and a parental control packet 408, wherein the information stored in the parental control packet 408 is that of the allowable parental management rating permitted on that remote machine, as well as the department, sector, and corporate values (see col. 7, lines 29-43).

In this regard, as explained with reference to Fig. 5 of DeCarmo, it is disclosed that when a user makes a request to view DVD content downloaded from a server 302, that the server 302 retrieves encrypted user and network preferences, which is transferred in the parental control packet 408 (see col. 7, lines 44-60). If it is determined, based on the information in the parental control packet 408, that parental management network is enabled, then the system retrieves the values for departmental, sector, and corporate values for both the current user and the IP address of the machine used to play back the requested DVD content, wherein the system is able to make a determination as to whether the requested DVD content can be played back based on the retrieved values (see Fig. 5; col. 7, lines 53-57; and col. 7, line 64 through col. 8, line 5).

Based on the foregoing description, Applicants note that while DeCarmo discloses the use of a server 302 which receives a transmission pack 400 that includes a parental control packet 408 used to determine whether or not a DVD content can be played back on a particular playback apparatus, that DeCarmo does not disclose or suggest the above-noted combination of features recited in claim 1 drawn to a recording and reproducing apparatus for recording a first packet stream containing first AV transport packets and first data table packets.

In particular, based on the Examiner's comments in the Office Action, Applicants note that the Examiner appears to be taking the position that the above-noted broadcast transmission pack 400 corresponds to both of the claimed "first packet stream" and "second packet stream" (see Office Action at page 2).

With respect to such a position, as noted above, Applicants point out that claim 1 recites the features of a demultiplexer for demultiplexing the first packet stream into the first AV

transport packets and the first data table packets; and a multiplexer for outputting the multiplexed second AV transport packets and the second data table packets in a second packet stream. In this regard, with respect to the second packet stream, claim 1 indicates that the “data table packet generator” constructs the second data table packets, based on the first data table packets stored in said memory, for managing the second AV transport packets.

Based on the foregoing, Applicants note that while DeCarmo discloses the use of a broadcast transmission pack 400 that includes a parental control packet 408, that such a broadcast transmission pack 400 clearly does not correspond to both of the above-noted “first packet stream” and “second packet stream”, as recited in claim 1.

In addition, based on the Examiner’s comments in the Office Action, Applicants note that the Examiner appears to be taking the position that the playback apparatus of DeCarmo corresponds to the claimed “AV decoder” and that the parental management controller 212 of DeCarmo corresponds to the claimed “AV encoder” (see Office Action at page 2).

With respect to such a position, as noted above, Applicants point out that claim 1 indicates that the AV decoder is for decoding the first AV transport packets and outputting AV data, and that the AV encoder is for encoding the AV data and outputting second AV transport packets. Regarding these features, Applicants note that while the playback apparatus of DeCarmo may be able to output AV data, that the parental management controller 212 of DeCarmo does not encode the AV data that is output by the playback apparatus, and does not output second AV transport packets.

In view of the foregoing, Applicants respectfully submit that DeCarmo does not disclose,

suggest or otherwise render obvious the above-noted combination of features of claim 1 drawn to a recording and reproducing apparatus for recording a first packet stream containing first AV transport packets and first data table packets, the recording and reproducing apparatus comprising a demultiplexer for demultiplexing the first packet stream into the first AV transport packets and the first data table packets; a memory for storing the first data table packets; an AV decoder for decoding the first AV transport packets and outputting AV data; an AV encoder for encoding the AV data and outputting second AV transport packets; a data table packet generator for constructing second data table packets, based on the first data table packets stored in said memory, for managing the second AV transport packets; and a multiplexer for multiplexing the second AV transport packets and the second data table packets, and outputting the multiplexed second AV transport packets and second data table packets in a second packet stream.

Accordingly, Applicants submit that claim 1 is patentable over DeCarmo, an indication of which is kindly requested.

If the Examiner maintains the rejection of claim 1, in order for Applicants to be able to make an informed decision with regard to appeal, Applicants kindly request that the Examiner specifically identify the data in DeCarmo that is being relied upon as allegedly corresponding to the following: (i) the claimed “first AV transport packets”; (ii) the claimed “first data table packets”; (iii) the claimed “AV data”; (iv) the claimed “second AV transport packets”; and (v) the claimed “second data table packets”.

Regarding claims 2, 7-10, 21 and 22, Applicants note that these claims depend from claim 1 and are therefore considered patentable at least by virtue of their dependency.

Regarding claim 12, Applicants note that this claim has been amended in a similar manner as claim 1 so as to be drawn to a recording and reproducing method for recording a packet stream containing first AV transport packets and first data table packets for managing the first AV transport packets, the recording and reproducing method comprising the steps of: demultiplexing the first packet stream into the first AV transport packets and the first data table packets; storing the first data table packets in a memory; decoding the first AV transport packets and outputting AV data; encoding the AV data and outputting second AV transport packets; constructing second data table packets, based on the first data table packets, for managing the second AV transport packets; and multiplexing the second AV transport packets and the second data table packets, and outputting the multiplexed second AV transport packets and second data table packets in a second packet stream.

For at least similar reasons as discussed above with respect to claim 1, Applicants respectfully submit that DeCarmo does not disclose, suggest or otherwise render obvious the above-noted features recited in claim 12. Accordingly, Applicants submit that claim 12 is patentable over DeCarmo, an indication of which is kindly requested. Claims 13, 18-20 and 23-27 depend from claim 12 and are therefore considered patentable at least by virtue of their dependency.

## **II. Conclusion**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited.

If any points remain in issue which the Examiner feels may best be resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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March 18, 2009